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13 SYNPEP CORPORATION
14 and CHI YANG

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION

18 UNITED STATES OF AMERICA,
19
20 Plaintiff,
21
22 v.
23 SYNPEP CORPORATION and
24 CHI YANG,
25
26 Defendants.

Case No. CR 06-0374 SBA

**STIPULATION AND ORDER FOR
CONTINUANCE AND EXCLUSION OF
TIME UNDER SPEEDY TRIAL ACT, 18
U.S.C. § 3161 ET
SEQ.**

27 In this stipulation and proposed order, the parties jointly request that the Court vacate the
28 current trial date of March 30, 2009 and pretrial conference date of March 17, 2009 and set a new
trial date of October 5, 2009.

The proposed continuance is based on the request by defense counsel and supported by
the Declaration of Nanci L. Clarence, submitted herewith under seal. The stipulation is made in
the interest of justice and to preserve continuity of counsel.

Additionally, the parties stipulate and agree that exclusion of time between

1 March 17, 2009, and September 22, 2009 is appropriate under the Speedy Trial Act, 18 U.S.C.
2 § 3161 et seq., based on the reasons set forth in the aforementioned Declaration. See 18 U.S.C.
3 §§ 3161(h)(8)(A) and (B)(iv). For the foregoing reasons, the parties stipulate and agree that the
4 ends of justice served by the continuance granted herein outweigh the best interests of the public
5 and the defendant in a speedy trial because the failure to grant such a continuance would
6 unreasonably deny defendant continuity of counsel.
7

8 IT IS SO STIPULATED.

9 Dated: January 12, 2009

10
11 /s/: Nanci L. Clarence
12 NANCIL CLARENCE
13 Attorneys for Defendants
14 SynPep Corporation and Chi Yang

15 /s/: Ioana Petrou
16 IOANA PETROU
17 Assistant United States Attorney

18 ~~Proposed~~ Order

19 Based on the reasons provided in the stipulation of the parties above, the Court FINDS
20 that:

21 The unavailability of defense counsel warrants a continuance; and

22 The ends of justice served by the continuance requested herein outweigh the best interests
23 of the public and the defendant in a speedy trial and failure to deny continuity of counsel.
24

25 Based on these findings, IT IS HEREBY ORDERED THAT:

26 The trial date in the above-captioned matter shall be continued to October 5, 2009.

27 The pretrial conference shall be continued to September 22, 2009, at 9:00 a.m.
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Motions in limine and/or objections to evidence shall be due on September 1, 2009.


Any responses to Objections to Evidence and/or Motion In Limines are due September 8, 2009.

Any replies to motions in limine and evidentiary objections are due September 15, 2009.

The period from March 17, 2009 to September 22, 2009 shall be exclude from the Speedy Trial Act, 18 U.S.C. § 3161 et seq., pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: January 15, 2009


HON. SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE

Approved as to form:

/s/: Nanci L. Clarence
NANCI L. CLARENCE
Attorneys for Defendants
SynPep Corporation and Chi Yang

/s/: Ioana Petrou
IOANA PETROU
Assistant United States Attorney